

REMARKS

Reconsideration is respectfully requested. No claim is amended herein.

Having carefully studied the Examiner's arguments, the applicant respectfully asks Examiner to return to the consideration of his response to the USTPO Detailed Action filed 3 March 2010, taking into account the following additional cases.

1. The applicant respectfully asks Examiner to reckon in, while considering his application, that the applied device of Claim 17 is exactly a Random Number Generator (RNG) for playing space game. This circumstance is directly reflected in the wording of claim 17 as well officially confirmed in the affidavits by space specialists Dr. Nikitsky and PhD. Yakimenko presented to USTPO.

To satisfy the Examiner's doubts expressed in item 10 of the Response on the theoretical possibility to use the natural process of the micrometeorite flow movement in the near Earth space for reliable generation of random numbers the applicant invites Examiner to visit the official internet sites of the world leading space agencies (including NASA, USA, and ESA, Europe) dedicated to the micrometeorite flow movement. In these sites there is presented the detailed description of this natural phenomena and convincingly disclosed that it has distinctively stochastic character. There in these sites the Examiner can find

the exact stochastic characteristics requested in the item 10 of the Response. The applicant has analyzed these characteristics and reasoned that stochastic distribution of micrometeorites in time and space can frame the ideal foundation for an RNG dedicated to a space game. So the applied device in accordance with claim 17 has the general structure providing the necessary for a space game succession of events: "gaming" registration of micrometeorites; transformation of the primary registration signals into random numbers; enciphering of the obtained random numbers; transmittance of the enciphered numbers from space to Earth.

The applicant attracts attention of the Examiner to the fact that transformation of the primary registration signals, generated by micrometeorite collisions, into random numbers in the applied device is ensured by identification markers of the gaming fields. The primary registration signals contain information about exact time of collision and exact gaming field experienced the collision. Thanks to the identification markers the applied device generates random numbers consisting of two parts. One part is time of collision and the other part is identification number (marker) of the collided gaming field. For example, if at 17.45 there happened a collision of a micrometeorite with gaming field provided with identification marker 12 then applied RNG would generate number (17.45; 12). If the next collision happened at 17.47 with gaming field provided

with identification marker 03 then applied RNG would generate number (17.47; 03). Since distribution of micrometeorites in time and space has authentically stochastic character so both generated numbers would also be authentically stochastic.

It is important to emphasize that in the applied device there is ensured not arbitrary but special "gaming" kind of registration. Thanks to the reliable isolation of the gaming fields the applied device will never produce primary registration signals corresponding to simultaneous collision of one micrometeorite with two different gaming fields. This feature rescues players from unacceptable ambiguity in the space game.

2. The applicant respectfully disagrees with assertion of the Examiner, expressed in item 10 of the Response, that the applied device fundamentally differs by structure from RNGs presented as examples, basing on the fact that they use different stochastic processes, specifically of electric nature. The applicant can provide a lot of examples of acknowledged RNGs using stochastic processes of non electric nature, including such well known RNGs as dice and roulette which use stochastic processes of mechanical nature. All publications about RNGs clearly confirm that there are no limitations on nature or way of initiation of stochastic processes applicable to RNGs. From standpoint of RNGs it is unimportant whether a stochastic process was initiated artificially as in presented examples using electrical circuits, or it exists since long ago as

micrometeorite flow movement in the near Earth space used in the applied device. From standpoint of RNGs, the only important thing for a stochastic process is ability to be used for generation of random numbers. So the general structure of all RNGs, including the applied device, is the same and provides the same succession of events: registration of a stochastic process; transformation of the primary registration signals into random numbers; transmittance of the random numbers to customers. Exactly this general structure characterizes the RNGs acknowledged by USPTO as inventions: Kim, US 6,829,628; Hars, US 7,356,552; Sun US 7,526,087.

The applicant would like to emphasize that the applied device has important features differing it from other RNGs: the stochastic process used in the applied device is of such a grand planetary scale that it can't be influenced from Earth in any way, which is important for protecting the game from possible fraud; the mode of registration of the stochastic process used in the applied device is of "gaming" kind thanks to the reliable isolation of the gaming fields which eliminates unacceptable ambiguity in the space game; the random numbers generated by the applied device are transmitted to customers not directly but in the enciphered form which protects them from unauthorized use in result of interception during transmittance from space to Earth. So the applicant believes that these features make the applied device thoroughly original generator of random numbers.

3. The applicant attracts attention of the Examiner to the fact that the applied device of claim 17 is designed for playing of space game. It may be used in the method described in claim 21. It is important to note that all Methods of Playing Games (MPG) in the field of games of chance use an RNG. Namely RNGs provide MPGs with chances and make the result of a game not predetermined. So, all MPGs including the applied method have the same general structure providing the same succession of events: actuation (turning on) of RNG; provision of gamblers with options to make bets on the output of the RNG; determination of winners and pay off the prizes in accordance with the established rules. Exactly this structure characterizes the MPG acknowledged by USPTO as inventions: US 4,756,531; US 5,437,462, US 5,743,798; US 7,481,432.

The applicant would like to emphasize that the applied method, thanks to the RNG of the claim 17, has important features differing it from other MPGs: the generation of random numbers to be used in the game happens in the near Earth space; the planetary scale of the used stochastic process protects players from possible fraud; the random numbers are transmitted from space to Earth in the enciphered form. So the applicant believes that these features make the applied method thoroughly original method of playing space game.

4. Responding to the rejection of claim 17 under 35 USC, 103, the applicant respectfully disagrees with Examiner. The

applicant notes that conclusion of the Examiner that the applied device can be deduced by a person having ordinary skill in the art from other known inventions has been made on the basis of exactly three inventions: Kitazawa, JP 05-286500; Carlin, US 4,763,284; Dir, US 4,756,531. The applicant agrees that there are some resemblant features, but disagrees that the degree of this resemblance is sufficient to reject his application. Nevertheless the applicant invites the Examiner to consider the features of compared devices using the following table:

Nº	Feature	Applied device	Device by Kitazawa	Device by Carlin	Device by Dir
1	Using of a stochastic process	+	+	-	+
2	Using of micrometeorite flow movements in the near Earth space	+	+	-	-
3	Registration of micrometeorites	+	+	-	-
4	Using of micrometeorites for generation of random numbers	+	-	-	-
5	Impossibility to influence the random numbers generation	+	-	-	-
6	Using of separate fields for registration of a process	+	-	+	-
7	Provision of fields with identification numbers*	+	-	+	-
8	Ensuring of un unambiguous registration of a stochastic process **	+	-	-	+
9	Using of identification numbers of the gaming fields for generation of random numbers	+	-	-	-
10	Enciphering of random numbers	+	-	-	-

№	Feature	Applied device	Device by Kitazawa	Device by Carlin	Device by Dir
11	Transmittance of the enciphered random numbers from space to the Earth	+	-	-	-
12	Using of the device for playing a game	+	-	-	+

* in the device of Kitazawa the identification numbers are provided for sensors of stress in the matter of balloon whereas no fields of any form are defined or limited.

** in the applied device the ambiguity is eliminated thanks to reliable isolation of gaming fields.

From the table it follows that the amount of resemblant features is obviously insufficient: 3 (25%) has device by Kitazawa; 2 (17%) has device by Carlin; 3 (25%) has device by Dir. Only 1 (8%) resemblant feature is present simultaneously in two counterposed devices and 0 (0%) resemblant feature is present simultaneously in all three counterposed devices. But 5 (42%) features of the applied device are right-down absent in all counterposed devices. Consequently there is no logical "bridge" allowing deducing the applied device from the counterposed devices. The figures show that idea of such deduction is clearly incorrect. It would be proper to note that the main destinations of all counterposed devices substantially are different from the main destination of the applied device: playing space game. So

the applicant respectfully asks the Examiner to recognize the applied device as original invention.

5. Responding to the rejection of claim 21 under 35 USC 112, the applicant respectfully disagrees with the Examiner. The method of claim 21 consists of conventional steps for playing games and is based on the use of RNG of claim 17. If the device of claim 17 is recognized original invention so it would be logical to recognize the method of claim 21 as original invention too.

On the matter of using the term «actuation» the applicant would like to explain that this term had been used to describe the necessity of «turn on» or «actuate» the device of claim 17 to start implementation of the method of claim 21.

On rejection of claim 21 under 35 USC 101, the applicant respectfully disagrees with the Examiner. Actually the method of claim 21 is supposed to use the information from RNG of claim 17 in form of radio signals from space. These material signals are supposed to be transformed following the applied method into material winnings or losses of players participating in the space game. The RNG itself as well as other objects of claims 23-10 for implementation of the method of claim 21 are devices which deserve to be described as "machine" or "apparatus". The applicant would like to note that in sense of "machines" or "apparatus" the applied method does no differ from other methods of paying games including ones recognized by USPTO as inventions.


6. Responding to the rejection of claims 23-30 under 35 USC, 103, the applicant respectfully disagrees with the Examiner. The applicant believes that if the device of claim 17 is recognized as original invention so it would be reasonable to recognize the claims 23-30 as original inventions too.

In conclusion the applicant respectfully asks the Examiner to return to consideration of his application taking into account the presented cases.

The Examiner is asked to contact applicant's attorney at 503-224-0115 if there are any questions.

It is believed that no fees are due with this filing. However, if it is determined that fees are required to keep the application pending, please charge deposit account 503036. If a refund is owed, please refund deposit account 503036.

Respectfully submitted,


James H. Walters, Reg. No. 35,731

Customer number 00802
patenttm.us
P.O. Box 82788
Portland, Oregon 97282-0788 US
(503) 224-0115
DOCKET: V-177

Certification of electronic transmission

I hereby certify that this correspondence is being electronically transmitted to the Patent and Trademark Office on this September 8, 2010.

